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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,841	07/01/2003	Joachim Gillert	0062-011	2766
40972	7590	07/28/2004	EXAMINER	
HENNEMAN & SAUNDERS 714 WEST MICHIGAN AVENUE THREE RIVERS, MI 49093			ROJAS, BERNARD	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,841	Applicant(s) GILLERT, JOACHIM	
	Examiner Bernard Rojas	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 10, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 6-9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11172003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on November 17th, 2003 has been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 10, and 13-14 rejected under 35 U.S.C. 102(e) as being anticipated by Russell et al. (US 2004/0089039).

Claim 1, Russell et al. discloses a manipulation-proof electromagnet arrangement [figure 10] for operating a switching device, in particular a coupling in an electronic locking cylinder, having an electromagnet which has at least one coil [185] and one armature [161] which can be moved by means of the coil from a rest position in an axial direction to a switching position [see abstract], with the electromagnet

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arrangement having magnetic security means [blocking member, 181] which respond to an external magnetic field, which originates from a manipulation location outside the electromagnet arrangement [electrical access component, see paragraphs 004-006], such that any movement of the armature to the switching position is constrained, wherein the magnetic security means are arranged in a region between that end of the armature which faces the switching position in the rest position, and the manipulation location.

Claim 5, Russell et al. discloses that the magnetic security means have a passive moving soft-magnetic locking element [181], which is drawn by the external magnetic field from a nominal position [paragraphs 004-006], which does not influence the capability of the armature to move, into the path of the armature so that the armature is held in an interlocking manner in the rest position.

Claim 10, Russell et al. discloses that the soft-magnetic blocking element is mounted such that it can move in a space which is formed by a housing section composed of paramagnetic or diamagnetic material [figure 10].

Claim 13, Russell et al. discloses an electronic locking cylinder [figure 10] having a coupling for coupling a locking bit to a shaft, and having an electromagnet arrangement for operating the coupling, wherein the electromagnet arrangement is a manipulation proof electromagnet arrangement for operating said coupling [paragraph 003], having an electromagnet, which has at least one coil [185] and one armature [161] which can be moved by means of the coil from a rest position in an axial direction to a switching position [abs], with the electromagnet arrangement having magnetic security

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means which respond to an external magnetic field, which originates from a manipulation location outside the electromagnet arrangement, such that any movement of the armature to the switching position is constrained [paragraphs 004-006], wherein the magnetic security means are arranged in a region between that end of the armature which faces the switching position in the rest position, and the manipulation location [figure 10].

Claim 14, Russell et al. discloses the method for preventing manipulation is inherent in the product structure as discussed for claim 1 previously. An electromagnet arrangement which contains an electromagnet which has at least one coil [185] and one armature [161] which can be moved by means of the coil from a rest position in an axial direction to a switching position [abs], with the electromagnet arrangement having magnetic security means [181] between that end of the armature which faces the switching position in the rest position and a manipulation location, which security means respond to an external, magnetic field which originates from the manipulation location outside the electromagnet arrangement, such that any movement of the armature to the switching position is constrained [paragraphs 004-006].

Allowable Subject Matter

Claims 6-9, 11 and 12 are, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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